

TITLE 31
COUNTIES AND COUNTY LAW

CHAPTER 42
COUNTY HOUSING AUTHORITIES AND COOPERATION LAW

31-4201. SHORT TITLE. The provisions of sections 1 through 26 of this act [this chapter] may be referred to as the "County Housing Authorities and Cooperation Law."

[31-4201, added 1970, ch. 211, sec. 1, p. 584.]

31-4202. DECLARATION OF GOVERNMENTAL FUNCTION. It is hereby declared:

(a) That there exist in this state insanitary or unsafe dwelling accommodations and that persons of low income are forced to reside in such insanitary or unsafe accommodations; that within the state there is a shortage of safe or sanitary dwelling accommodations available at rents which persons of low income can afford and that such persons are forced to occupy overcrowded and congested dwelling accommodations; that the aforesaid conditions cause an increase in and spread of disease and crime, and constitute a menace to the health, safety, morals and welfare of the residents of the state and impair economic values; that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities;

(b) That these areas in the state cannot be cleared, nor can the shortage of safe and sanitary dwellings for persons of low income be relieved through the operation of private enterprise, and that the construction of housing projects for persons of low income (as herein defined) would therefore not be competitive with private enterprise;

(c) That the clearance, replanning and reconstruction of the areas in which insanitary or unsafe housing conditions exist and the providing of safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which public money may be spent and private property acquired and are governmental functions.

[31-4202, added 1970, ch. 211, sec. 2, p. 584.]

31-4203. DEFINITIONS. The following terms, wherever used or referred to in this chapter, shall have the following respective meanings, unless a different meaning clearly appears from the context:

(a) "Authority" or "housing authority" shall mean any of the public corporations created by section [31-4205](#), Idaho Code.

(b) "Housing project" shall mean any work or undertaking:

(1) To demolish, clear or remove buildings from any slum area; such work or undertaking may embrace the adoption of such area to public purposes, including parks or other recreational or community purposes; or

(2) To provide decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for persons of low income; such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, roads, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, welfare or other purposes; or

(3) To accomplish a combination of the foregoing.

The term "housing project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith; to buildings, and the land, equipment, facilities and other real or personal property, which do not contain dwelling units or other living accommodations for persons of low income when such buildings are utilized for administrative, community, health, recreational, welfare or other purposes by or for low-income persons or senior citizens, and redevelopment projects carried out by an authority at the request of local government when such projects include dwelling units which are sold or rented to persons of low income.

(c) "Governing body" shall mean the council, board of commissioners, board of trustees or other body having charge of the fiscal affairs of the state public body.

(d) "Federal government" shall include the United States of America, the United States department of housing and urban development, or any other agency or instrumentality, corporate or otherwise, of the United States of America.

(e) "County" or "counties" shall include all counties in the state of Idaho as designated in [chapter 1, title 31](#), Idaho Code.

(f) "Clerk" shall mean the county clerk or the officer charged with the duties customarily imposed on such clerk.

(g) "Area of operation" shall mean the entire county except within the corporate limits of cities in the county which have presently, or hereafter create, a housing authority under [title 50](#), chapter 19, Idaho Code; provided however, that a county housing authority may continue to own and operate any housing project for which it has become financially obligated which is located in a city that subsequently creates a housing authority or is located in an area annexed by a city that has created or subsequently creates a housing authority.

(h) "Slum" shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities or any combination of these factors, are detrimental to safety, health or morals.

(i) "Person of low income" shall mean persons or families who lack the amount of income which is necessary, as determined by the authority undertaking the housing project, to enable them, without financial assistance, to live in decent, safe and sanitary dwellings without overcrowding.

(j) "Bonds" shall mean any bonds, notes, interim certificates, debentures or other obligations issued by an authority pursuant to this chapter.

(k) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature, appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

(l) "Obligee of the authority" or "obligee" shall include any bondholder, trustee or trustees for any bondholders, or lessors demising, to the authority, property used in connection with a housing project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the authority.

31-4204. POWERS OF AUTHORITY. A housing authority shall constitute an independent public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to others herein granted:

(a) To sue and to be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority, including the power to contract with other housing authorities for services; and to make and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority.

(b) Within the area of operation: to prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof.

(c) To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works or facilities for, or in connection with, a housing project or the occupants thereof; and, notwithstanding anything to the contrary contained in this chapter or in any other provision of law, to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

(d) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and, subject to the limitations contained in this chapter, to establish and revise the rents or charges therefor; to own, hold and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise or otherwise, any real or personal property or any interest therein; to acquire, by the exercise of the power of eminent domain, any real property; to sell, lease, exchange, transfer, assign, pledge or dispose of any real or personal property or any interest therein; to insure or provide for the insurance of any real or personal property or operation of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance; to rent or sell and to agree to rent or sell dwellings forming part of the housing projects to or for persons of low income. Where an agreement or option is made to sell a dwelling to a person of low income, the authority may convey the dwelling to the person upon fulfillment of the agreement irrespective of whether the person is at the time of the conveyance a person of low income. Leases, options, agreements or conveyances may include such covenants as the authority deems appropriate to assure the achievement of the objectives of this chapter.

(e) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which banks may legally invest funds, subject to the control of the housing authority; to purchase its own bonds at a price not more than the principal amount thereof and accrued interest, and all bonds so purchased shall be canceled.

(f) Within its area of operation: to investigate into living, dwelling and housing conditions and into the means and methods of improving such con-

ditions; to determine where slum areas exist or where there is a shortage of adequate, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstruction of slum areas and the problem of providing dwelling accommodations for persons of low income, and to cooperate with the city, the county, the state or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

(g) Acting through one (1) or more commissioners or other person or persons designated by the authority, to conduct examinations and investigations and to hear testimony and take proof, under oath, at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring attendance of witnesses or the production of books and papers, and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority, or excused from attendance; to make available, to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or insanitary structures within its area of operation), its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

(h) To make, purchase, participate in, invest in, take assignments of, or otherwise acquire loans to persons of low income to enable them to acquire, construct, reconstruct, rehabilitate, improve, lease or refinance their dwellings, and to take such security therefor as is deemed necessary and prudent by the authority.

(i) To make, purchase, participate in, invest in, take assignments of, or otherwise acquire loans for the acquisition, construction, reconstruction, rehabilitation, improvement, leasing or refinancing of land, buildings or developments for housing for persons of low income. For purposes of this subsection, development shall include either land or buildings or both.

(j) Any housing project shall be subject to the requirement that the dwelling units made available to persons of low income, together with functionally related and subordinate facilities, shall occupy at least thirty percent (30%) of the interior space of any individual building other than a detached single-family or duplex residential building or mobile or manufactured home and shall occupy at least fifty percent (50%) of the total number of units in the development, whichever produces the greater number of units for persons of low income. For mobile or manufactured home parks, the mobile or manufactured home lots made available to persons of low income shall be at least fifty percent (50%) of the total number of mobile or manufactured home lots in the park.

(k) To exercise all or any part or combination of powers herein granted.

[31-4204, added 1970, ch. 211, sec. 4, p. 584; am. 1998, ch. 367, sec. 1, p. 1147; am. 2001, ch. 260, sec. 2, p. 937.]

31-4205. CREATION OF HOUSING AUTHORITIES. In any county of the state of Idaho, there may be created an independent public body corporate and politic to be known as a housing authority, which shall not be an agency of the county; provided, however, that such authority shall not transact any business or exercise its powers hereunder until or unless the governing body of the county, by proper resolution, shall declare, at any time hereafter, that there is need for an authority to function in such county. The determi-

nation as to whether or not there is such need for an authority to function (a) may be made by the governing body on its own motion or (b) shall be made by the governing body upon the filing of a petition signed by twenty-five (25) residents of the county asserting that there is need for an authority to function in such county and requesting that the governing body so declare.

The governing body shall adopt a resolution declaring that there is need for a housing authority in the county if it shall find (a) that insanitary or unsafe inhabited dwelling accommodations exist in such county or (b) that there is a shortage of safe or sanitary dwelling accommodations in such county available to persons of low income or rentals they can afford. In determining whether dwelling accommodations are unsafe or insanitary, said governing body may take into consideration the degree of overcrowding, the percentage of land coverage, the light, air, space and access available to the inhabitants of such dwelling accommodations, the size and arrangement of the rooms, the sanitary facilities and the extent to which conditions exist in such building which endanger life or property by fire or other causes.

Nothing in this act shall prevent governing bodies from jointly creating by resolution an independent public body corporate and politic to carry out and effectuate the purposes and provisions of this act and to serve the best interests of their respective citizenry.

In any suit, action or proceeding, involving the validity of enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of resolution by the governing body declaring the need for the authority. Such resolution or resolutions shall be deemed sufficient if it declares that there is such need for an authority and finds in substantially the foregoing terms, no further detail being necessary, that either or both of the above enumerated conditions exist in the county. A copy of such resolution, duly certified by the clerk, shall be admissible in evidence in any suit, action or proceeding.

[31-4205, added 1970, ch. 211, sec. 5, p. 584; am. 1998, ch. 367, sec. 2, p. 1149.]

31-4206. TERMINATION OF AUTHORITY. The authority shall terminate at such time as the governing body of the county, by proper resolution, shall declare that there is no longer a need for a housing authority to function within such county. The determination that there is no longer a need for such authority to function (a) may be made by the governing body on its own motion or (b) may be made by the governing body upon motion of the duly appointed and acting commissioners of the authority that they no longer have any need to function within said county.

The governing body of the county shall, however, before adopting a resolution terminating such authority, determine, by audit if necessary, the financial condition of said authority, and if there is any outstanding liability due and owing by said authority, the county shall provide the necessary funds for satisfaction thereof; if, however, funds are found, over and above such liabilities, the county shall provide for the satisfaction of said liabilities and the balance of the funds shall be accepted by the county and the authority shall be released from their responsibility therefor.

Any funds so received by such county, as a result of the termination of the authority, shall be dedicated to the extension, maintenance and promo-

tion of the public parks system of said county for the benefit and welfare of the county.

[31-4206, added 1970, ch. 211, sec. 6, p. 584; am. 2015, ch. 244, sec. 16, p. 1016.]

31-4207. AID AND COOPERATION FROM OTHER STATE PUBLIC BODIES -- ACTS AUTHORIZED. For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of housing projects located within the area in which it is authorized to act, any state public body may, upon such terms, with or without consideration, as it may determine:

(a) Dedicate, sell, convey or lease any of its interest in any property, or grant easements, licenses or any other rights or privileges therein, to a housing authority or the federal government;

(b) Cause parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities or any other works which it is otherwise empowered to undertake to be furnished adjacent to or in connection with housing projects;

(c) Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered to undertake;

(d) Plan or replan, zone or rezone any part of such state public body;

(e) Cause services to be furnished to the housing authority of the character which such state public body is otherwise empowered to furnish;

(f) Enter into agreements with respect to the exercise by such state public body of its powers relating to the repair, elimination or closing or [of] unsafe, insanitary or unfit dwellings;

(g) Do any and all things, necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of such housing projects;

(h) Incur the entire expense of any public improvements made by such state public body in exercising the powers granted in this act;

(i) Enter into agreements, which may extend over any period, notwithstanding any provision or rule of law to the contrary, with a housing authority respecting action to be taken by such state public body pursuant to any of the powers granted by this section;

(j) With respect to any housing project which a housing authority has acquired or taken over from the federal government and which the housing authority by resolution has found and declared to have been constructed in a manner that will promote the public interest and afford necessary safety, sanitation and other protection, no state public body shall require any changes to be made in the housing project or in the manner of its construction or take any other action relating to such construction.

[31-4207, added 1970, ch. 211, sec. 7, p. 584.]

31-4208. PROPERTY OF AUTHORITY PUBLIC -- EXEMPTION -- PAYMENT FOR SERVICES. The property of an authority is declared to be public property used for essential public purposes and such property and an authority shall be exempt from all taxes and special assessments of the city, the county, the state or any political subdivision thereof; provided, however, that in lieu of such taxes, an authority may agree to make payments to the county for improvements, services and facilities furnished by such county for the benefit of a housing project, or in lieu of such taxes, an authority may agree to make

payments to a school district or school districts, which district or districts include within its boundaries all or a portion of the real property of an authority, for school services and facilities furnished by said school district or districts, for the benefit of the residents of a housing project.

[31-4208, added 1970, ch. 211, sec. 8, p. 584.]

31-4209. DONATIONS BY COUNTY. Any county, in which a housing authority has been created, shall have the power, from time to time, to lend or donate money to such authority or to agree to take such action; provided, however, that when a housing authority has the money available therefor it shall make reimbursement for all such loans made to it.

[31-4209, added 1970, ch. 211, sec. 9, p. 584; am. 2001, ch. 260, sec. 3, p. 939.]

31-4210. COMMISSIONERS -- APPOINTMENT -- QUALIFICATIONS -- TENURE. When a governing body of a county adopts a resolution as aforesaid, it shall appoint five (5) or seven (7) persons as commissioners of the authority created for said county. Commissioners of the authority shall serve terms of five (5) years. If the governing body of a county appoints five (5) persons as commissioners of the authority, the commissioners who are first appointed shall be designated to serve for terms of one (1), two (2), three (3), four (4), and five (5) years, except that all vacancies shall be filled for the unexpired term. If the governing body of a county appoints seven (7) persons as commissioners of the authority, the commissioners who are first appointed shall be designated to serve terms as follows: one (1) commissioner for a one (1) year term, two (2) commissioners for two (2) year terms, two (2) commissioners for three (3) year terms, one (1) commissioner for a four (4) year term and one (1) commissioner for a five (5) year term, except that all vacancies shall be filled for the unexpired term. Upon resolution by a governing body of a county, after an authority has been created with either five (5) or seven (7) commissioners, the number of commissioners may be increased from five (5) to seven (7) or reduced from seven (7) to five (5). No commissioner of any authority may be an officer or employee of the county for which the authority is created. A commissioner shall hold office until his successor has been appointed and qualified. A certificate of appointment or reappointment of any commissioner shall be filed with the clerk and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner. The service of a housing assistance recipient appointed as a commissioner pursuant to 42 U.S.C. section 1437(b) shall be contingent upon his continued receipt of housing assistance. A commissioner shall receive no compensation for his services for the authority in any capacity, but he shall be entitled to the necessary expenses, including travel expenses, incurred in the discharge of his duties.

The powers of each authority shall be vested in the commissioners. A majority of the appointed commissioners shall constitute a quorum of the authority for the purpose of conducting its business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners present. The bylaws of the authority shall designate which of the commissioners appointed shall be the first chairman and such chairman shall serve in the capacity of chairman until the expiration of his term of office as commissioner. When the office of

the chairman of the authority thereafter becomes vacant, the commissioners shall select a chairman from their number, a vice chairman, and may employ a secretary, an executive director who shall serve as an at-will employee of the commissioners, technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. For such legal services as it may require, an authority may call upon the prosecuting attorney of the county or may employ its own counsel and legal staff. An authority may delegate to one (1) or more of its agents or employees such powers or duties as it may deem proper.

[31-4210, added 1970, ch. 211, sec. 10, p. 584; am. 1998, ch. 367, sec. 3, p. 1149; am. 2001, ch. 257, sec. 1, p. 924.]

31-4211. REMOVAL OF COMMISSIONERS. A commissioner of an authority may be removed by a majority of the county commissioners at any time, with or without cause. The county commissioners shall cause to be sent a notice of the removal to the commissioner removed, the authority and the clerk.

[31-4211, added 1970, ch. 211, sec. 11, p. 584; am. 1998, ch. 367, sec. 4, p. 1150.]

31-4212. POLICY IN OPERATION OF AUTHORITY. It is hereby declared to be the policy of this state that each housing authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with providing adequate, safe and sanitary accommodations, and no housing authority shall construct or operate any such project for profit or as a source of revenue to the county. An authority shall fix the rentals for dwellings in its projects at no higher rates than it shall find to be necessary in order to produce revenue which, together with all other available moneys, revenues, income and receipts of the authority from whatever sources derived, will be sufficient:

(a) to pay, as the same become due, the principal and interest on the bonds of the authority;

(b) to meet the cost of, and to provide for, maintaining and operating the projects, including the cost of any insurance, and the administrative expenses of the authority; and

(c) to create, during not less than the six (6) years immediately succeeding its issuance of any bonds, a reserve sufficient to meet the largest principal and interest payments which will be due on such bonds in any one (1) year thereafter and to maintain such reserve.

[31-4212, added 1970, ch. 211, sec. 12, p. 584.]

31-4213. DUTIES REGARDING RENTALS AND TENANT SELECTION. In the operation or management of housing projects, an authority shall at all times observe the following duties with respect to rentals and tenant selection:

(a) it may rent or lease the dwelling accommodations therein only to persons of low income and at rentals within the financial reach of such persons of low income;

(b) it may rent or lease dwelling accommodations consisting of the number of rooms, but no greater number, which it deems necessary to provide safe

and sanitary accommodations to the proposed occupants thereof without overcrowding.

Nothing contained in this or the preceding section shall be construed as limiting the power of authority to vest, in an obligee, the right, in the event of a default by the authority, to take possession, during the period of such default, of a housing project or cause the appointment of a receiver thereof, free from all restrictions imposed by this or the preceding section.

[31-4213, added 1970, ch. 211, sec. 13, p. 584.]

31-4214. EMINENT DOMAIN. An authority shall have the right to acquire, by the exercise of the power of eminent domain, any real property which it may deem necessary for its purposes under this act after the adoption of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. An authority may exercise the power of eminent domain in the manner provided in [chapter 7, title 7](#), Idaho Code, and acts amendatory thereof or supplementary thereto; or it may exercise the power of eminent domain in the manner provided by any other applicable statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired in like manner, provided that no real property belonging to a city, the state or any political subdivision thereof may be acquired without its consent.

[31-4214, added 1970, ch. 211, sec. 14, p. 584.]

31-4215. HOUSING PROJECTS SUBJECT TO PLANNING, ZONING, SANITARY AND BUILDING LAWS. All housing projects of an authority shall be subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality of any housing project and an authority shall take into consideration the relationship of the project to any larger plan or long-range program for the development of the area in which the housing authority functions.

[31-4215, added 1970, ch. 211, sec. 15, p. 584.]

31-4216. BOND ISSUES. An authority shall have power to issue bonds, from time to time, in its discretion, for any of its corporate purposes. An authority shall also have power to issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. In order to carry out the purposes of this chapter, an authority may issue, upon proper resolution, bonds on which the principal and interest are payable:

- (a) Exclusively from the income and revenue of a housing project financed with the proceeds of such bonds; or
- (b) Exclusively from such income and revenues together with grants and contributions from the federal government or other source in aid of such project; or
- (c) From all or part of its revenues or assets generally.

Any such bonds may be additionally secured by a pledge of any income or revenues of the authority, or a mortgage of any housing project, projects or other property of the authority. Any pledge made by the authority shall be valid and binding from the time when the pledge is made and recorded; the revenues, moneys or property so pledged and thereafter received by the authority shall immediately be subject to the lien of the pledge without any

physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether the parties have notice thereof.

Neither the commissioners of any authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of an authority shall state on their face that they shall not be a debt of the county, the state or any political subdivision thereof and neither the county, the state nor any political subdivision thereof shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds other than those of said authority. Bonds of an authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes.

[31-4216, added 1970, ch. 211, sec. 16, p. 584; am. 2001, ch. 260, sec. 4, p. 940.]

31-4217. ISSUANCE OF BONDS -- TERMS -- NEGOTIABLE -- ACTIONS TO TEST VALIDITY -- CONCLUSIVE PRESUMPTIONS. Bonds of an authority shall be authorized by its resolution and may be issued in one or more series and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates as the authority shall approve, be in such denomination or denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium as such resolution, its trust indenture, or the bonds so issued, may provide.

The bonds may be sold at public or private sale at not less than par.

In case any of the commissioners or officers of the authority, whose signatures appear on any bonds or coupons, shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this act shall be fully negotiable.

In any suit, action or proceedings, involving the validity or enforceability of any bond of an authority or the security thereof, any such bond, reciting, in substance, that it has been issued by the authority to aid in financing a housing project to provide dwelling accommodations for persons of low income, shall be conclusively deemed to have been issued for a housing project of such character and said project shall be conclusively deemed to have been planned, located and constructed in accordance with purposes and provisions of this act.

[31-4217, added 1970, ch. 211, sec. 17, p. 584.]

31-4218. POWERS TO SECURE PAYMENT OF BONDS. In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of such bonds or obligations, an authority, in addition to its other powers, shall have power:

(a) To pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence.

(b) To mortgage all or any part of its real or personal property then owned or thereafter acquired.

(c) To covenant against pledging all or any part of its rents, fees and revenues, or against permitting or suffering any lien on such revenues or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any housing project or any part thereof; and to covenant as to what other, or additional debts or obligations may be incurred by it.

(d) To covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof; to provide for the replacement of lost, destroyed or mutilated bonds; to covenant against extending the time for the payment of its bonds or interest thereon; and to redeem the bonds, and to covenant for the redemption and to provide the terms and conditions thereof.

(e) To covenant, subject to the limitations contained in this act, as to the rents and fees to be charged in the operation of a housing project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof; to create or to authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves or other purposes, and to covenant as to the use and disposition of the moneys held in such funds.

(f) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given.

(g) To covenant as to the use of any or all of its real or personal property; and to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon and the use and disposition of insurance moneys.

(h) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation; and to covenant and prescribe as to default and terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and to the terms and conditions upon which such declaration and its consequences may be waived.

(i) To vest, in trustee or trustees or the holders of bonds or any proportion of them, the right to enforce the payment of the bonds or any covenants securing or relating to the bonds; to vest in a trustee or trustees the right, in the event of a default by said authority, to take possession of any housing project or part thereof, and, so long as said authority shall continue in default, to retain such possession and use, operate and manage said project, and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the authority with said trustee, to provide for the powers and duties of a trustee or trustees and to limit the liabilities thereof; and to provide the terms and conditions upon which the trustee or trustees or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds.

(j) To exercise all or any part or combination of the powers herein granted; to make covenants other than and in addition to the covenants herein expressly authorized, of like or different character; to make such covenants as will tend to make the bonds more marketable, notwithstanding that such covenants, acts or things may not be enumerated herein.

[31-4218, added 1970, ch. 211, sec. 18, p. 584; am. 2001, ch. 260, sec. 5, p. 940.]

31-4220. RIGHTS OF OBLIGEEES -- MANDAMUS -- INJUNCTION. An obligee of an authority shall have the right, in addition to all other rights, which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

(a) By mandamus, suit, action or proceedings at law or in equity to compel said authority and the commissioners, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of said authority, with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of said authority and the fulfillment of all duties imposed upon said authority by this act.

(b) By suit, action or proceeding in equity, to enjoin any acts which may be unlawful, or the violation of any of the rights of such obligee of said authority.

[31-4220, added 1970, ch. 211, sec. 20, p. 584.]

31-4221. FILING OF MINUTES AND REPORTS. (1) An authority shall file a copy of the minutes of all meetings with the clerk within ten (10) days after their approval by the authority.

(2) At least once a year, an authority shall file a report with the clerk of its activities for the preceding year, and shall make recommendations with reference to such additional legislation or other action as it deems necessary in order to carry out the purposes of this act.

(3) An authority shall file with the clerk a copy of the authority's financial reports, any claims and causes of action against the authority, and the authority's employee policy handbooks and any changes, modifications, or deletions to the handbooks.

[31-4221, added 1970, ch. 211, sec. 21, p. 584; am. 1998, ch. 367, sec. 5, p. 1151.]

31-4222. REAL PROPERTY OF AUTHORITY -- EXEMPT FROM EXECUTION, OTHER JUDICIAL PROCESS AND JUDGMENT LIEN. All real property of an authority shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgment against an authority be a charge or lien upon its real property; provided, however, that the provisions of this section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by an authority on its rents, fees or revenues.

[31-4222, added 1970, ch. 211, sec. 22, p. 584.]

31-4223. ADDITIONAL POWERS OF AUTHORITY -- LOANS, CONTRIBUTIONS, GRANTS AND ASSISTANCE FROM FEDERAL GOVERNMENT. In addition to the powers conferred upon an authority by other provisions of this act, an authority is empowered to borrow money or accept contributions, grants or other financial assistance from the federal government for or in aid of any housing project within its area of operation, to take over or lease or manage any housing project or undertaking constructed or owned by the federal government, and to these ends to (to) comply with such conditions and to make such trust in-

dentures, leases or agreements as may be necessary, convenient or desirable. It is the purpose and intent of this act to authorize every authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the federal government in the undertaking[,] construction, maintenance or operation of any housing project by such authority.

[31-4223, added 1970, ch. 211, sec. 23, p. 584.]

31-4224. LIMITATIONS ON POWER OF AUTHORITY. Nothing in this chapter or any other law shall be construed as authorizing a housing authority to levy or collect taxes or assessments, to create any indebtedness payable out of taxes or assessments, or in any manner to pledge the credit of the county, the state or any subdivision thereof.

[31-4224, added 1970, ch. 211, sec. 24, p. 584; am. 2001, ch. 260, sec. 6, p. 942.]

31-4225. PROVISIONS FOR DEFAULT -- RIGHTS OF OBLIGEEES. A housing authority shall have power, by its resolution, trust indenture, lease or contract, to confer upon any obligee holding or representing a specified amount in bonds or holding a lease the right, in addition to all rights that may otherwise be conferred, upon the happening of an event of default as defined in such resolution or instrument by suit, action or proceeding in any court of competent jurisdiction:

(a) To cause possession of any housing project or any part thereof to be surrendered to any such obligee, which possession may be retained by such bondholder or trustee so long as said authority shall continue in default;

(b) To obtain the appointment of a receiver of any housing project of said authority or any part thereof and of the rents and profits therefrom. If such receiver be appointed, he may enter and take possession of such housing project or any part thereof and, so long as said authority shall continue to be in default, operate and maintain the same and collect and receive all fees, rents, revenues or other charges thereafter arising therefrom, and shall keep such moneys in a separate account or accounts and apply the same in accordance with the obligations of said authority as the court shall direct.[;]

(c) To require said authority and the commissioners thereof to account as if it and they were the trustees of an express trust.

[31-4225, added 1970, ch. 211, sec. 25, p. 584.]

31-4226. INCONSISTENT PROVISIONS OF OTHER LAWS. Insofar as the provisions of this act are inconsistent with the provisions of any other law, the provisions of this act shall be controlling.

[31-4226, added 1970, ch. 211, sec. 27, p. 584.]